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14 Attorneys for CISCO SYSTEMS, INC.

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

19 IMPLICIT NETWORKS, INC.,

20 Plaintiff,

21 v.

22 CISCO SYSTEMS, INC.,

23 Defendant.

Case No. 10-CV-03606 (SI)

24 **STIPULATION AND ~~[PROPOSED]~~**  
**ORDER CHANGING TIME FOR**  
**INVALIDITY CONTENTIONS AND**  
**ACCOMPANYING DOCUMENT**  
**25 PRODUCTION PURSUANT TO CIVIL**  
**26 L.R. 6-2(A)**  
27  
28

By this stipulation, plaintiff Implicit Networks, Inc. and defendant Cisco Systems, Inc. (“Cisco”) hereby stipulate and request an order changing time to postpone the due date for Cisco’s invalidity contentions and accompanying document production until July 22, 2011, from May 9, 2011. This extension of time will align Cisco’s deadline with the deadlines in the related cases brought by plaintiff against Juniper Networks, Inc. (Case No. C 10-4234 SI) and F5 Networks, Inc. (Case No. 10-CV-3365), and will provide Cisco the time necessary to prepare its invalidity contentions pursuant to Patent L.R. 3-3 and 3-4. *See* Declaration of Melissa N. Chan In Support Of Order Changing Time Pursuant to Civil L.R. 6-2(a), filed concurrently herewith. No other due dates set forth in the Court’s March 3, 2011 Stipulated Case Management Schedule and Order (Dkt. No. 46, Ex. A) are to be changed by this stipulation.

DATED: May 5, 2011

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By /s/ Melissa N. Chan

Melissa N. Chan  
Attorneys for Defendant  
CISCO SYSTEMS, INC.

HOSIE RICE LLP

DATED: May 5, 2011

By /s/ Spencer Hosie

Spencer Hosie  
Attorney for Plaintiff  
IMPLICIT NETWORKS, INC.

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: May 5, 2011

/s/ Melissa N. Chan

Melissa N. Chan

1           **PURSUANT TO STIPULATION IT IS ORDERED THAT** the March 3, 2011  
2 Stipulated Case Management Schedule and Order in this action is amended such that Cisco's  
3 invalidity contentions and accompanying document production are due on July 22, 2011.

4  
5 Dated: May 5, 2011



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Honorable Susan Illston  
U.S. DISTRICT COURT JUDGE

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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 IMPLICIT NETWORKS, INC.,

19 Plaintiff,

20 v.

21 CISCO SYSTEMS, INC.,

22 Defendant.

Case No. 10-CV-03606 (SI)

**DECLARATION OF MELISSA N. CHAN  
IN SUPPORT OF STIPULATION AND  
[PROPOSED] ORDER CHANGING TIME  
FOR INVALIDITY CONTENTIONS AND  
ACCOMPANYING DOCUMENT  
PRODUCTION PURSUANT TO CIVIL  
L.R. 6-2(A)**

1 I, Melissa N. Chan, declare as follows:

2 1. I am an associate with the law firm of Quinn Emanuel Urquhart & Sullivan LLP  
3 and counsel for Defendant Cisco Systems, Inc. ("Cisco"). I submit this declaration in support of  
4 the parties' stipulation and proposed order changing time for Cisco's invalidity contentions and  
5 accompanying document production, pursuant to Civil L.R. 6-2. I am personally familiar with and  
6 knowledgeable about the facts stated in this declaration and if called upon could and would testify  
7 competently as to the statements made herein..

8 2. Through this declaration and the parties' Stipulation and [Proposed] Order  
9 Changing Time for Invalidity Contentions and Accompanying Document Production Pursuant to  
10 Civil L.R. 6-2(a), Cisco requests to move the due date for its invalidity contentions and  
11 accompanying document production (Patent L.R. 3-3 and 3-4) from May 9, 2011 to July 22, 2011.

12 3. On March 3, 2011, the Court entered an Order on the Case Management Schedule  
13 for *Implicit Networks, Inc. v. Cisco Systems, Inc.*, Case No. CV-10-3606 SI; *Implicit Networks,*  
14 *Inc. v. F5 Networks, Inc.*, Case No. CV-10-3365 SI ("F5"); *Implicit Networks, Inc. v. Citrix*  
15 *Systems, Inc.*, CV-10-3766 SI ("Citrix"); *Implicit Networks, Inc. v. Hewlett-Packard Company,*  
16 *CV-10-3746 SI ("HP"); Implicit Networks, Inc. v. Juniper Networks, Inc.*, CV-10-4234 SI  
17 ("Juniper") (collectively, the "Implicit Related Cases"). (Dkt. No. 46.) In that Order, the parties  
18 stipulated, and the Court ordered, that the deadline for invalidity contentions in the HP, F5, Citrix  
19 and Cisco cases be set on May 9, 2011, and that the deadline for invalidity contentions in the  
20 Juniper case be set on July 22, 2011. (*Id.*, Ex. A.)

21 4. I understand that the Court has dismissed the Citrix case with prejudice. (*See*  
22 *Implicit Networks, Inc. v. Citrix Systems, Inc.*, CV-10-3766 SI, Dkt. No. 49.)

23 5. I understand from counsel for F5 Networks that F5 has reached an agreement with  
24 plaintiff to extend F5's deadline for invalidity contentions to July 22, 2011.

25 6. To maintain consistency in the deadlines for invalidity contentions amongst most of  
26 the Implicit Related Cases (Cisco, F5, Juniper), Cisco respectfully requests that its deadline for  
27 invalidity contentions also be set for July 22, 2011. The additional time is also necessary for  
28 Cisco to be able to complete its invalidity contentions.

1           7.       The parties previously modified the scheduling order in this case on September 1,  
2 2010, stipulating to postpone by 45 days the due date for Cisco's answer to Plaintiff's Complaint.  
3 Dkt. No. 10.

4           8.       The parties further previously modified the scheduling order in this case on January  
5 1, 2011, stipulating to postpone from January 12, 2011 to February 15, 2011 the deadline to hold  
6 an ADR session. Dkt. Nos. 33, 35.

7           9.       The parties further previously modified the scheduling order in this case on  
8 February 15, 2011, stipulating to postpone from February 15, 2011 to May 20, 2011 the deadline  
9 to hold an ADR session. Dkt. Nos. 39, 40.

10          10.      The requested time modification should not have any effect on the remainder of the  
11 schedule for this case.

12          I hereby declare under penalty of perjury under the laws of the United States that the  
13 foregoing is true and correct.

14  
15 DATED: May 5, 2011

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

16  
17 By /s/ Melissa N. Chan

18 Melissa N. Chan  
19 Attorneys for Defendant  
20 CISCO SYSTEMS, INC.  
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